

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Government,

v.

HONORABLE LAURIE J. MICHELSON  
No. 21-20063

KATELYN JONES,

Defendant.

/

SENTENCING HEARING

Detroit, Michigan -- Tuesday, January 16, 2024

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TITLE, (Cont.)

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None

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5                   **THE CLERK:** The court calls Case Number 21-20063; The  
6                   United States of America versus Katelyn Jones.

7 Counsel, please state your appearance, for the record.

8                   **MS. PRINC:** Good afternoon, Your Honor. Diane Princ  
9 on behalf of the Government. And present with me is Attorney  
10 Jonathan Jacobson, from the Department of Justice.

11 | THE COURT: Okay. There we go. It's Mr. Jacobson?

12 | MR. JACOBSON: Yes, Your Honor.

13 | THE COURT: All right. And Ms. McGunn.

14                   **MS. MCGUNN:** Nancy McGunn, on behalf of Katelyn Jones  
15 who's standing to my left.

16                   **THE COURT:** All right. Thank you. Good afternoon,  
17 Counsel. Good afternoon, Ms. Jones. You-all may be seated.

18           And actually, if I could just see counsel at side bar for  
19 one moment, please?

21 | (Side Bar Conference at 3:04 p.m.)

22                   **THE COURT:** Good afternoon, everyone. I know we  
23 filed everything under seal. But I certainly intend to talk  
24 about her medical issues. Is that all right in light of the  
25 people with us in the courtroom?

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1                   **MS. MCGUNN:** It is. I just reviewed with Ms. Jones,  
2 I explained that there is a member of the press who is present  
3 in the courtroom. That I was going to, myself, talk about her  
4 medical conditions, just not go into great detail. So, she  
5 understands and that's okay.

6 THE COURT: Okay.

7 MS. MCGUNN: Thank you.

8 (Side Bar Conference concluded at 3:05 p.m.)

10 Sentencing Hearing

11           **THE COURT:** All right. Thank you. I accepted  
12 Ms. Jones' straight-up guilty plea to the two charged counts of  
13 threats of violence based on certain text messages and social  
14 media postings. Mr. Bellamy has prepared a thorough  
15 presentence report. And following some adjournments due to  
16 Ms. Jones' health issues and some inabilitys to travel, we're  
17 here today for the sentencing.

18 Ms. McGunn, I want to first just make sure and confirm  
19 that you and Ms. Jones had an opportunity to review and discuss  
20 the presentence report?

21                   **MS. MCGUNN:** Yes, Your Honor. We had an opportunity  
22 to review the presentence report. It was some time ago. We  
23 did have some factual corrections to make. Those were made to  
24 our satisfaction.

I would note, Your Honor, that the presentence report does

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1 not reflect the most recent information in Ms. Jones' life. I  
2 had reached out to probation and probation indicated that The  
3 Court would have to order an updated presentence report. It's  
4 certainly not anything that isn't discussed in our sentencing  
5 memo, but I would ask that at the conclusion of the hearing  
6 today The Court ask probation to update the presentence report  
7 specifically to reflect that Ms. Jones, on November 15th, had a  
8 child.

9           **THE COURT:** All right. Ms. Princ, any objection to  
10 that?

11           **MS. PRINC:** No, Your Honor.

12           **THE COURT:** All right. I don't see any problem with  
13 making that modification and I will inquire and ask the  
14 probation officer if we could make that addition to the  
15 presentence report.

16           All right. And Ms. Jones, did you have an opportunity,  
17 and I know it has been awhile, but did you have an opportunity,  
18 though, to ask Ms. McGunn any and all questions that you may  
19 have had about the presentence report?

20           **THE DEFENDANT:** Yes, I have.

21           **THE COURT:** Was she able to answer those questions  
22 for you?

23           **THE DEFENDANT:** Yes, she was.

24           **THE COURT:** And do you feel like you need or want any  
25 additional time to discuss anything about the presentence

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1 report with her before we continue today with your sentencing?

2 **THE DEFENDANT:** No, I do not.

3 **THE COURT:** Okay. Thank you.

4 And Ms. Princ, did the Government also have an opportunity  
5 to review the presentence report?

6 **MS. PRINC:** Yes, we did. And we discussed one  
7 objection prior to its final form and it was amended and we  
8 have no other objections.

9 **THE COURT:** Okay. So, the parties have represented  
10 there were some, I guess, some minor changes to be made to the  
11 presentence report, those were addressed with the probation  
12 officer. They were made. The Government's indicated it  
13 doesn't have any others.

14 Ms. McGunn, does the Defense have any other disagreements  
15 with, corrections or additions to the presentence report?

16 **MS. MCGUNN:** None, Your Honor. Thank you.

17 **THE COURT:** Very good.

18 I've also received a copy of the presentence report. I've  
19 received sentencing memorandums from the parties with  
20 attachments to the defendant's memo of medical records and a  
21 psychological evaluation as well as a letter from Ms. Jones'  
22 mother and treating doctor. I also received a bond status memo  
23 advising of Ms. Jones' compliance with her bond conditions.  
24 I've carefully reviewed and considered all of those materials.  
25 I've not received any other materials pertaining to the

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1 sentencing. And so except as otherwise stated, I am accepting  
2 the presentence report as my findings of fact.

3 The parties appear to agree with the calculation of the  
4 advisory guideline range in the presentence report and so do I.  
5 The counts involve the same victim and common scheme or plan  
6 and so they are grouped. The base offense level is 12.

7 Given the victim's government position and that the  
8 offense was motivated by her position, there is a six level  
9 increase to the base offense level. There is a two level  
10 decrease for Ms. Jones' timely acceptance of responsibility and  
11 a timely plea. And all of that results in the base offense  
12 level, if my math is right, is it -- do we have the extra point  
13 for acceptance or it was just the two? (Brief pause.)

14 No, we have the extra point. So, I'm sorry. So, there  
15 were three level reduction for her timely plea and acceptance  
16 of responsibility. And so we have a total base offense level  
17 of 15. Ms. Jones has no prior criminal history so she is in  
18 Criminal History Category I. Given the nature of this offense  
19 she does not qualify for the two level reduction for being a  
20 zero-point offender.

21 So, an offense level of 15 and a Criminal History Category  
22 of I results in an advisory guideline prison range of 18 to 24  
23 months. And, Counsel, are there any objections to that  
24 calculation. Ms. Princ?

25 **MS. PRINC:** No. Thank you, Your Honor.

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1           **THE COURT:** And Ms. McGunn?

2           **MS. MCGUNN:** No, Your Honor.

3           **THE COURT:** Are Ms. Princ, there any victims here  
4 today who wish to be head?

5           **MS. PRINC:** No. Thank you.

6           **THE COURT:** Okay. Thank you.

7           So, at this time, do you with wish to make any remarks on  
8 behalf of the Government?

9           **MS. PRINC:** Yes, Your Honor. Thank you.

10          **THE COURT:** All right. Why don't I have you come up  
11 to the lecturn for me, if you would, please.

12          **ALLOCUTION BY MS. PRINC**

13          **MS. PRINC:** Your Honor, we are seeking a sentence  
14 within the guideline range. We recognize and do not dispute  
15 that Ms. Jones suffers from mental and physical ailments that  
16 have been and will be addressed by the defense before Your  
17 Honor. Nevertheless, the Government stands by its  
18 recommendation given the nature and circumstances of the  
19 offense.

20          In this case, the defendant sent targeted, specific, and  
21 horrifying texts to the victim. Whatever one thinks of that  
22 victim's decision, she was a public official and the  
23 defendant's act was directed to instill fear within her to try  
24 to influence her decision.

25          We cannot have citizens in our society acting this way

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1 toward our public officials trying to influence their  
2 decisions. The defendant's texts sent to the victim included  
3 her name, her address, her contact information. Most  
4 alarmingly, they were directed and contained threats about the  
5 victim's daughter. The photograph that the defendant sent to  
6 the victim was a horrifying photograph of a mutilated, deceased  
7 and bloodied corps. And the defendant told the victim: "I  
8 want you to picture your daughter . . ." (using the daughter's  
9 actual name), ". . . when seeing that image."

10 I recognize that the defendant, when she took these  
11 actions, is not the same defendant that appears before Your  
12 Honor today. But given the nature of our public discourse.  
13 Given the threats against officials, the Government is  
14 recommending a sentence of 18 to 24 months to encapsulate harm  
15 and to deter others from engaging in such acts.

16 Thank you, Your Honor.

17 **THE COURT:** And just, Ms. Princ, how would you have  
18 The Court go about, given that we, you know, we sentence  
19 everybody individually and you've asked for a guideline  
20 sentence, how does the nature of her significant, physical and  
21 mental health impairments factor into that?

22 **MS. PRINC:** I think Your Honor can consider those and  
23 should consider those. We set forth the recommendation for the  
24 range. There is a range before Your Honor, though. And so you  
25 can address those concerns by sentencing toward the bottom of

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1 the range.

2           **THE COURT:** All right. Thank you, Ms. Princ.

3           **MS. PRINC:** Thank you.

4           **THE COURT:** And Ms. McGunn, if I could ask you and  
5 Ms. Jones to come to the lecturn as well, please. And  
6 Ms. McGunn, I'm going to begin with you and ask if you would  
7 like to make any remarks on Ms. Jones' behalf?

8 **ALLOCATION BY MS. MCGUNN**

9           **MS. MCGUNN:** Thank you, Your Honor.

10          Your Honor, three year's ago Katelyn Jones sent messages  
11 via text and social media postings that were graphic. That  
12 were threatening. And that were terrifying.

13          Those messages were sent to AV-1. Related to AV-1's then  
14 role in Wayne County as part of the election, The Board of  
15 Canvassers. Ms. Jones' statements, as the Government has  
16 accurately stated, didn't just reflect her unhappiness with  
17 AV-1, they referenced personal information. They referenced  
18 AV-1's husband. Her daughter. They provided personal  
19 information. There is not one person in this courtroom,  
20 particularly Ms. Jones, that disagrees with the contention that  
21 this was an incredibly serious offense that had an undeniable  
22 impact on AV-1 and on her family.

23          This contact represents one day out of Ms. Jones' life.  
24 She, at that time, was 23 year's old and that day was truly an  
25 aberrant and isolated instance. This was an individual who had

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1 never been in trouble before. Frankly, has never been in  
2 trouble since. I'm not sure she's ever even had a speeding  
3 ticket.

4 This offense, as indicated by the extensive information in  
5 the presentence report and in our sentencing memo, this offense  
6 really represents an awful confluence of factors that occurred  
7 for Ms. Jones during this time period.

8 It was on the heels of a contested Presidential election  
9 that left the country locally and violently divided in an  
10 endless news cycle. It was still in the midst of -- we were  
11 still in the midst of the COVID-19 pandemic with rising  
12 hospitalizations and death rates. And in the midst of all of  
13 that we had Ms. Jones, who is a young woman, with no criminal  
14 history, in the midst of her own crisis. She was at at that  
15 point, I think it's fair to say, the lowest point of her young  
16 life.

17 Three and a half years earlier at just 19 year's old she  
18 had started to experience health issues that took medical  
19 experts years to diagnose and properly treat. She struggled  
20 with very painful and life-threatening symptoms that as of  
21 November 2020 had caused repeated and prolonged  
22 hospitalizations at specialized hospitals like at U of M and  
23 the Cleveland Clinic. With specialists that still struggle to  
24 come up with the answers as to what she was dealing with from a  
25 medical perspective.

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1           At the time of the offense, Katelyn and her mother had  
2 made the very difficult decision to move across the country to  
3 get specialized medical treatment. They had identified  
4 specialists that they hoped could treat her very complex set of  
5 conditions. Your Honor, we have briefed this fully, but I know  
6 The Court is aware that Ms. Jones struggles with -- suffers  
7 from Evans Syndrome, which is a rare disorder, in addition to  
8 lupus and APS. All three of these conditions are chronic,  
9 they're incurable, they have life-threatening symptoms, and  
10 they require daily medications.

11           In the years, the three and a half years leading up to  
12 this offense, Katelyn had struggled to have her physical health  
13 stabilized, but she had also struggled with anxiety and  
14 depression. She had set about a course of mental health  
15 treatment, DBT, that worked for her. She found a therapist in  
16 Michigan and things were going well.

17           But in the month's leading up to that move to New  
18 Hampshire, her general practitioner decided to remove her  
19 unilaterally from her psychotropic medications. She had been  
20 stabilized. She was in a good place mentally and emotionally.  
21 And her doctor as a response, frankly, to the repeated physical  
22 hospitalizations, medical hospitalizations she had faced,  
23 dramatically changed her regimen to a combination of  
24 medications that led to a rapid decline to her mental health  
25 and an increase in suicidal feelings. Because of the move, she

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1 was not able to get into a mental health specialist to see a  
2 provider to get back on the correct medications; and thus, in  
3 November 2020, she had been without medications that she very  
4 much needed to treat her escalating mental health symptoms.

5 So, at the time of this offense, Katelyn was in New  
6 Hampshire, a new place, without mental health support and  
7 tremendous physical pain. And, really, the entirety of her  
8 world took place online. Because she had previously lived in  
9 Michigan and been involved in election events, she took a  
10 particular interest in the post-election events in Wayne  
11 County. And because of the preoccupation with social media at  
12 that time, the endless news cycle, she joined in a very loud  
13 and vocal group of individuals online, on social media,  
14 addressing the issues of what was going on in Wayne County at  
15 that time: The decision to certify or not certify the  
16 election.

17 Unlike many of the other people weighing in, though,  
18 Katelyn was uniquely vulnerable to what was going on at that  
19 time. And, so, as an individual struggling with mental health  
20 issues, without proper medication, no social outlet, often  
21 unable to sleep due to excessive pain, and watching endless  
22 news and social media, she committed this offense conduct.  
23 Those were the circumstances in which she committed this  
24 offense conduct.

25 Following that, she was arrested. She readily admitted

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1       her conduct. She accepted responsibility that day and since  
2       that day has done everything she could to move beyond that  
3       behavior to acknowledge her wrongfulness and try to correct the  
4       course of conduct she was on. She sought mental health  
5       treatment in New Hampshire. She remained committed to  
6       treatment and psychotropic medication. Her physical health has  
7       been stabilized through a really exceptional group of  
8       specialists through Harvard and multiple hospitals in Boston.  
9       Her health is monitored every few months by a variety of  
10      specialists.

11           Perhaps, most miraculously on November 15th, Katelyn gave  
12       birth to a healthy baby, an event she had been told would never  
13       have been possible. During the course of her pregnancy, she  
14       had to go to weekly ultrasounds. She traveled 35 minutes. She  
15       never missed one appointment. And she was determined to do  
16       whatever she could and had to have a healthy baby. She'll  
17       speak to this in a moment, Your Honor. But that pregnancy and  
18       the birth of her child really dramatically changed Katelyn's  
19       response for the positive.

20           Section 3553(a) calls for a sentence that's sufficient,  
21       but not greater than necessary to meet the sentencing goals.  
22       And our position, Your Honor, is that any custodial sentence  
23       would be far greater than necessary to meet the goals of  
24       sentencing.

25           With respect to the offense, there's no question this is

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1 an undeniably serious offense; yet, it is isolated and aberrant  
2 when looking at the totality of Ms. Jones' life.

3       In terms of her circumstances as an offender. This was a  
4 young woman with no criminal history. Serious mental and  
5 physical health issues at a very low point in her life. In  
6 over three years of pretrial release, she has amply  
7 demonstrated a commitment to living within The Court's  
8 conditions that were set for bond to following the law. She's  
9 demonstrated a commitment to her own mental health treatment.

10       And I have to say, Your Honor, this is a young woman  
11 because of her health circumstances, I have gone to visit her  
12 in New Hampshire. We've had numerous Zooms. We've had  
13 numerous chats. This is a woman who I believe very much has  
14 lived daily with the tremendous fear that she was facing  
15 incarceration on this day. That prison was, in fact, possible  
16 and likely, given her actions. And she has carried the weight  
17 of her actions for those three years.

18       She has tremendous family support. Her parents are here  
19 today. Her mother, she remains living with her mother in New  
20 Hampshire, along with her brother. And her father is still  
21 very much involved in her life.

22       In terms of the need to provide rehabilitation and  
23 treatment. Your Honor, it's really hard to believe that where  
24 the University of Michigan and Cleveland Clinic struggled to  
25 provide care, adequate care, somehow the Bureau of Prisons

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1 could do that. The list of medications that Ms. Jones is on  
2 ranges from 7 to 15 medications at any given day or time. She  
3 has a list of specialists that she sees monthly. She has a  
4 serious clotting disorder. She has conditions that threaten  
5 her life if they're not monitored closely. Any custodial  
6 sentence would be significantly harsher on her than the average  
7 individual that This Court sees.

8 Every defendant that This Court sentences I know has a  
9 family that's impacted by sentences. They have parents. They  
10 have children. They may have children or partners. In this  
11 case, Ms. Jones has a two-month-old baby. The loss of that  
12 relationship, the breaking of that bond would be devastating  
13 and also far greater than necessary.

14 In terms of the goal of punishment. Ms. Jones, at 26, has  
15 a felony conviction that will follow her for the rest of her  
16 life. It would impact her employment's future. It will impact  
17 -- has the potential to impact her housing circumstances and  
18 myriad other aspects of her life. And to achieve the goal of  
19 punishment, a sentence of custody is simply not necessary. The  
20 Court could impose home confinement. The Court could impose a  
21 period of community service, if Ms. Jones was able to complete  
22 that. But there are a number options that The Court has.

23 In terms of the guideline range. While it's true that the  
24 Guideline Range is 18 to 24 months, probation has identified,  
25 appropriately so, and the Government has not objected, to the

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1 idea that departures would be warranted under 4H1.3 for mental  
2 health and 4H1.4 for physical health. The evaluation we  
3 submitted by Dr. Drukteinis we believe supports that finding  
4 for the departure, as well as Ms. Jones' physical history  
5 supporting a departure for physical health reasons.

6       Lastly, Your Honor, with respect to deterrence. The issue  
7 of individual deterrence I don't think is particularly  
8 significant, in this case, simply given Ms. Jones' lack of  
9 criminal history before and her lack of any activity since the  
10 offense that suggests a need.

11       In terms of general deterrence. I believe this is a  
12 factor that Defense Counsel and the Government frequently  
13 disagree about. But I will give the Government, I understand  
14 that in this type of case, with this type of task force that  
15 has been forged to address a very specific threat that the  
16 Government has identified, I understand the Government's focus  
17 on general deterrence, but it cannot come at the cost of  
18 Ms. Jones' very specific characteristics as a defendant.  
19 Because to do so would really fly in the face of what the  
20 Sentencing Statute calls for.

21       So, Your Honor, for those reasons and the reasons set  
22 forth in our memo, we are asking that The Court impose a  
23 non-custodial sentence and allow Ms. Jones to remain in  
24 physical and mental health treatment within the community.

25       **THE COURT:** Thank you, Ms. McGunn.

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1           And Ms. Jones, it has been awhile since I took your plea  
2 and at that proceeding I did indicate to you that you would  
3 have this opportunity today, if you wished, to address The  
4 Court before I impose sentence.

5           So, at this time, is there anything that you would like to  
6 say?

7           **THE DEFENDANT:** Yes.

8           **THE COURT:** All right. Please.

9           **STATEMENT BY THE DEFENDANT**

10          **THE DEFENDANT:** Yes. I'm not a very good public  
11 speaker so I asked Ms. Nancy to put my letter in the sentencing  
12 memo.

13          I'd just like to say that I'm not the same person that I  
14 was in 2020. I'm very remorseful and very sorry for what I've  
15 done. I've taken everything that I could and I've done  
16 everything that I could to change and become a better person  
17 and I'm lucky to say that I've done that. And, yeah. Thank  
18 you, Your Honor.

19          **THE COURT:** Thank you, Ms. Jones. I do appreciate  
20 hearing from you. And I did review the materials. I did see  
21 the remarks or the letter. I saw the reference to the video  
22 that you sent to the victim. Did she accept it?

23          **MS. MCGUNN:** No, Your Honor. But I do want to  
24 clarify, that video was sent to the Government. We had reached  
25 out to the victim hoping to simply just share some information

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1 about Ms. Jones and, kind of, the unique situation she was in.  
2 The victim did not respond to us, which is obviously more than  
3 her right to do so. We did not reach out again. I'm unclear  
4 if the Government shared the communications that we shared with  
5 them.

**Sentencing By The Court**

7 **THE COURT:** Okay. There are some things in this case  
8 that everybody agrees on and some things that we don't all  
9 agree on. The peaceful and orderly transition of power is a  
10 fundamental hallmark of our democracy. It must be cherished  
11 and it must be preserved. And efforts to subvert it need to be  
12 thwarted. But not with violence or threats of violence. And  
13 that is, in large measure, what happened here.

14 On November 16, 2020, following the contentious  
15 Presidential election, the then Chair of the Wayne County Board  
16 of Canvassers initially voted against certifying the election  
17 results for the County. You did not take it well and you  
18 handled it worse. The next day you sent threatening texts to  
19 this election official chair and posted threatening Instagram  
20 posts. You called her names. You accused her of being a  
21 terrorist. You threatened her husband. And to make sure the  
22 fear set in, you listed her address and phone number. Yet,  
23 even worse still, you threatened her young daughter in chilling  
24 ways.

25 You told a loving mother it would be ashamed if anything

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1       happened to her precious daughter at school. You sent a photo  
2       of a bloody, deceased, nude, and mutilated woman and suggested  
3       that this could happen to her or her daughter. If she was not  
4       already afraid, you told her specifically she should be afraid  
5       and that her husband should be afraid and that her young  
6       daughter should be afraid. Ended with: "You have made a grave  
7       mistake. I hope you realize that now."

8           And, of course, the irony here is that you could have  
9       written this line to yourself. You know now that you've made a  
10       grave mistake. And I think we all agree it is even more grave  
11       in our current political climate where election officials are  
12       under attack and remain under attack, that they are very likely  
13       going to take these threats seriously.

14          There is a reason that this country even has election  
15       workers and election officials. That we even have positions  
16       like County Canvassers. Because our democracy is built on and  
17       only exist with our right to vote and free and fair elections.  
18       And that requires our fellow citizens being willing to be in  
19       position that administer elections. They deserve to feel safe.  
20       And they deserve to be safe.

21          You probably saw the statistics in the Government's  
22       sentencing memo. Nearly 1 in 6 election officials indicating  
23       they have experienced threats because of their job. And  
24       77 percent have said that they feel the volume of those threats  
25       has increased in recent years.

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1           And Ms. Jones, part of what this case is about, part of  
2 what the task force is about, is we can't allow this rhetoric  
3 or conduct to be normalized. It has to be stopped. It has to  
4 be prevented. As the probation officer aptly remarked in the  
5 presentence report: "This conduct erodes the integrity of the  
6 election system." As the Government aptly remarked in its  
7 sentencing memo, quote, "In our democratic society, we cannot  
8 allow citizens to affect public officials' actions and  
9 decisions through threats and fear," end quote.

10           We've heard this now in various ways from both lawyers to  
11 put this election official and this wife and mother in fear for  
12 her own life and that of her husband and that of her child is  
13 cruel. It's shameful. And it's unacceptable. It shows little  
14 respect for the law and it's behavior that needs to be punished  
15 and absolutely has to be deterred.

16           Which, along with the nature and circumstances of the  
17 offense, are several of the sentencing factors that I have to  
18 consider in determining a sentence that is sufficient, but not  
19 greater than necessary to achieve the purposes of those  
20 factors. And so I'm not surprised to see the sentences handed  
21 down across the country where election workers have been  
22 threatened that are set out in the Government's sentencing  
23 memo.

24           But when I evaluate the sentencing factors, another one  
25 that I have to consider involves the unique and individual

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1 history, characteristics, and background of the person I'm  
2 sentencing. And that is important here because while it does  
3 not excuse your conduct, there are clearly other aspects of  
4 your life that help to explain how this could have happened.

5 You were raised by loving and supportive parents. You  
6 grew up on a farm. Were a skilled horse rider and had hopes of  
7 becoming a trainer. But for most of your young life you've  
8 struggled with serious, incurable health problems which has  
9 also resulted in serious mental health issues.

10 As Ms. McGunn has indicated you suffered from multiple  
11 autoimmune disorders: Lupus, Evans Syndrome, APS, in which  
12 your immunity system is doing significant damage to your body  
13 and causing debilitating symptoms and life-threatening  
14 conditions, including blood clots, chronic pain and the  
15 potential for organ damage.

16 You take about 7 to 15 medications. You're unable to work  
17 and you receive disability. You missed a lot of school. And  
18 endured a lot of bullying due to your conditions. You've  
19 suffered from depression and engaged in self-harm since you  
20 were 11. And the chronic health conditions have exacerbated  
21 your mental health issues. Most significantly, you have  
22 engaged in self-cutting since age 13. You are currently  
23 receiving psychiatric care and psychotherapy and you're taking  
24 anti-psychotic medications to address the recently diagnosed  
25 conditions of depressive disorder, PTSD, and borderline

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1 personality disorder.

2 I recognize that at the time of the offense during the  
3 pandemic and having just moved to New Hampshire with your  
4 mother and your brother. You were not receiving treatment or  
5 taking psychotropic medications because your doctor was  
6 changing and making some modifications to your medication  
7 regimen.

8 Coupled with that, you were shuttled in watching nonstop  
9 news and participating online. Your mother is a former  
10 Township Clerk responsible for certifying elections. You  
11 worked with her as an election's inspector and so you have a  
12 sense of how these things should be done. And so without  
13 treatment or medications or proper coping mechanism to deal  
14 with your anger over what you perceived to be election  
15 inference, you lashed out.

16 With some additional maturity and more significantly,  
17 proper medication and care, you have greater appreciation of  
18 the wrongfulness of your conduct and the vital importance that  
19 it never been repeated. You recognize that these threats were  
20 unacceptable. You've expressed shame and remorse. You tried  
21 to reach on out to the victim to apologize with a statement.  
22 You accepted responsibility.

23 When law enforcement came to your home to search it, you  
24 admitted to what you did. This is the first time you have ever  
25 been in trouble with the law. You have family support. With

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1 proper treatment and medication, you do not pose a serious risk  
2 of harm. You've never engaged in any violence. There's  
3 nothing to suggest you took any steps to act on your threats.  
4 You have significant and life-threatening health issues that  
5 will be difficult to manage in a prison setting.

6 Indeed, you have some rare and chronic autoimmune  
7 disorders that, for a 26-year-old, are present to an unusual  
8 degree under Guideline 5H1.4, to warrant a departure. And even  
9 if they did not, they are present to a significant degree to  
10 justify a variance. Especially when combined with your mental  
11 health issues as well, that are also present to an unusual  
12 degree under Guideline 5H1.3, to also warrant a departure or a  
13 variance.

14 You've been compliant with your bond conditions for three  
15 years and there have been no issues. You are a new mother and  
16 that will also be a strong deterrent to prevent you from  
17 engaging in any like behavior in the future. Probably most  
18 important to the victim and the public, the extensive medical  
19 information provided by your counsel supports your commitment  
20 to actively engaging in mental health treatment. You also have  
21 the lifelong consequence of a felony conviction which should  
22 also be a deterrence to others like you thinking of engaging in  
23 this criminal behavior.

24 As your sentencing memo states, quote, "At 26, with no  
25 criminal history, a newborn baby, and with serious health

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1 issues, she finds herself with a felony conviction and fearing  
2 for her freedom," end quote. And that, too, is a strong  
3 deterrent.

4 And so balancing the seriousness of the offense with the  
5 vital importance of deterrence, with the unlikelihood that you  
6 would ever do anything like this again, and your significant  
7 physical and mental health issues, I do think a sentence below  
8 the guideline range would be sufficient, but not greater than  
9 necessary here and would not result in any unwarranted  
10 sentencing disparities.

11 And so I will GRANT a downward departure. And even if I  
12 did not grant a downward departure, I would grant a downward  
13 variance. But Ms. Jones, I'm not able to grant it to the level  
14 of absolutely no prison time at all.

15 Like Ms. McGunn, I've struggled with the issue of  
16 deterrence. And people who engage in this misconduct have to  
17 know that there will be consequences. And I'm not saying that  
18 there have not been consequences to you. And that is why we  
19 sentence everyone individually and as individuals. You have  
20 extenuating circumstances that most others likely do not have  
21 and will not have and that has been considered in my ultimate  
22 decision. And that is the reason that I am not giving a  
23 guideline sentence. And that's the reason I'm giving you a  
24 significant variance from a guideline sentence. And I take  
25 that responsibility to not only consider all of the 3553(a)

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1 factors, but to then evaluate them against the individual  
2 defendant.

3 And in doing that, Ms. Jones, **The Court is going to**  
4 **sentence you as follows:**

5 **On Counts One and Two of the indictment, pursuant to the**  
6 **Sentencing Reform Act of 1984, The Court considering the**  
7 **sentencing guidelines and factors contained in 18 United States**  
8 **Code Section 3553(a), hereby commits you to the custody of the**  
9 **Bureau of Prisons for a term of 30 days.**

10 Once you finish that sentence, I'm going to put you on  
11 supervised release for a term of two-years.

12 You will have to pay a special assessment of \$200, which  
13 will be due immediately.

14 I am going to waive the imposition of any fine, any cost  
15 of incarceration, and any cost of supervision due to your lack  
16 of financial resources.

17 I'm going to suspend any mandatory drug testing here  
18 because you don't need it.

19 Under 34 United States Code Section 40702, you will have  
20 to cooperate with the collection of a DNA sample as directed by  
21 the probation officer. And during the two-year period of  
22 supervised release, you will have to follow and abide by the  
23 standard conditions of supervised release that have been  
24 adopted by this court or more likely New Hampshire because  
25 that's probably where you'll be supervised.

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1           And I'm going to also impose the following special  
2 conditions of supervised release:

3           Due to the nature of the offense, you shall not engage in  
4 any verbal or physically threatening or violent behavior. You  
5 must not have contact directly or indirectly with the victim in  
6 this offense unless approved by the probation officer.

7           And due to your mental health issues, I will have you  
8 submit to a psychological, psychiatric evaluation as directed  
9 by the probation officer if warranted. And I say, "If  
10 warranted," because I know you'll go back to seeing your  
11 regular treatment providers and so it may not be necessary for  
12 you to participate in an additional program.

13          And the same is true, I will impose that you participate  
14 in a mental health treatment program and follow the rules and  
15 regulations of the program. The probation officer, in  
16 consultation with your treatment provider, will supervise your  
17 participation in the program and, again, that will probably be  
18 going back to your regular treatment provider.

19          You must take reasonable efforts to maintain medical  
20 insurance during any period of supervised release to ensure  
21 adequate mental health treatment. And you must take all mental  
22 health medications that are prescribed by your treating  
23 physician.

24          And Ms. McGunn, in light of the time imposed here, do you  
25 want me to make a recommendation to a BOP facility?

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1           **RESPONSE BY MS. MCGUNN**

2           **MS. MCGUNN:** Your Honor, I am concerned that the  
3 presentence report does not reflect Ms. Jones' updated medical  
4 information. I realize that's not an answer to The Court's  
5 questions. It's a long-winded way of saying it's difficult for  
6 me to see that Ms. Jones could go anywhere but a medical  
7 facility, an FMC; but in order for her even be accepted in  
8 there, it would need to be significantly more information in  
9 the presentence report. That's not a reflection on probation,  
10 that's a reflection on the complexity of Ms. Jones' health  
11 situation.

12           So, I would ask The Court -- if I could, I would actually  
13 ask The Court to very much consider, in lieu of 30-days in  
14 custody, placing Ms. Jones on home incarceration, truly not to  
15 leave her residence which would accomplish the same purpose,  
16 but allow no disruption in physical and mental healthcare.

17           **THE COURT:** And I did consider that. I mean, I've  
18 had situations where we've provided the BOP with the medical  
19 records, but is it a chicken or egg whether if they don't see  
20 it in the presentence report they wouldn't designate her to a  
21 medical facility? Mr. Bellamy, do you know?

22           **PROBATION OFFICER:** Your Honor, Kody Bellamy, on  
23 behalf of the probation department.

24           In the statement of reasons that accompanies the judgment  
25 in the presentence report, The Court can indicate that there's

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1 additional information that the Bureau of Prisons must consider  
2 prior to designating Ms. Jones. I will be happy to work with  
3 the Bureau of Prison's designation office to ensure that any  
4 additional information that Ms. McGunn has was given to them  
5 before any designation occurred.

6 The Court could also recommend that Ms. Jones be  
7 designated to an FMC.

8           **THE COURT:** Which, I'll definitely do. I'll  
9 definitely include that.

10           Yes, Ms. McGunn.

11           **MS. MCGUNN:** No, and I appreciate that tremendously.  
12 And obviously we recognize that a sentence of 30 days is a  
13 significant variance and departure. In terms of FMC's for  
14 women, I think the closest one to Ms. Jones might be Butner  
15 North Carolina. And we can get back to our specialist to see  
16 if there's any additional information.

17           I, again, and I'm sorry to keep doing this, would implore  
18 The Court to consider converting, even if we, instead of doing  
19 30 days at a medical center, said 60 or 90 days on house arrest  
20 with no movement beyond the home. My concern is that Ms. Jones  
21 is under such constant medical care that by the time she got to  
22 an FMC -- I have clients with cardiac issues who, because of  
23 medication lists, don't get the same medications once in the  
24 Bureau of Prisons.

25           So, for this woman, who is taking seven -- so many years

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1 to stabilize her medication, to put her in that mix, I think,  
2 is terrifying, quite frankly. So, I would very much ask The  
3 Court to consider doubling or tripling the amount it want her  
4 to serve in custody and placing her on house arrest instead,  
5 with a GPS tether. And the only reason she could leave is for  
6 medical appointments.

7           **THE COURT:** Are these medications that an FMC would  
8 not have?

9           **MS. MCGUNN:** I have no way to answer that, Your  
10 Honor, at this point. All I can say is given years of  
11 litigation related to clients who don't have health issues  
12 nearly as serious as Ms. Jones, seeing the disruption in  
13 physical and mental health meds that occurs, because of a  
14 difference in medications that are available in the community  
15 versus within BOP, it's of tremendous concern.

16           This is a young woman who frequently makes trips to the  
17 emergency room because when she experience the symptoms, she  
18 needs immediate medical care. And aside from the issue of  
19 medication availability, I'm extremely worried about what her  
20 condition would be in a BOP, even in a medical facility, Your  
21 Honor.

22           **THE COURT:** Well, maybe Mr. Bellamy or Ms. Princ will  
23 know the answer to this. If I impose this sentence, but the  
24 BOP does not designate Ms. Jones to a medical facility where I  
25 think they could manage for 30 days and where they've got a

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1 connection with a medical facility who could, if they can't,  
2 could I then say if they don't give that designation then I'll  
3 convert the sentence to home confinement? Ms. Princ, do you  
4 know the answer to that once they designate her?

5 **MS. PRINC:** I have not had that issue in my  
6 experience.

7 **PROBATION OFFICER:** Your Honor, I can speak to that.  
8 I have had, in the past, defendants that have been sentenced  
9 then later designated to a facility. Does defendants then file  
10 a motion with The Court and The Court order the Bureau of  
11 Prisons to reconsider a designation? And that has been  
12 successful. I have seen that in the past and I think that  
13 maybe --

14 **THE COURT:** Can I make the a custodial sentence  
15 conditioned? A 30-day custodial sentence conditioned on  
16 Ms. Jones being designated to a medical facility and if the  
17 BOP's is not able to do that, then I would convert it to 30  
18 days of home confinement?

19 **PROBATION OFFICER:** Your Honor, I believe that would  
20 need to be addressed through an amended judgment. I don't know  
21 of any way possible where we can order a sentence conditioned  
22 on a designation.

23 **MS. MCGUNN:** And, Your Honor, if I could? We  
24 actually agree with that. Having been on the other end of  
25 that, having judicial recommendations that are made and then

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1 not followed, there's no recourse because they are simply  
2 recommendations and the judgment will stand. It can't be in  
3 the alternative.

4           **THE COURT:** Well, that's why I'm inquiring if I  
5 condition the sentence on it. I'm not talking about a  
6 recommendation -- I mean, it would be a recommendation, but it  
7 would be a -- and Ms. McGunn, you've got all the medical  
8 records, right?

9           **MS. MCGUNN:** I do. And, Your Honor, when I say that  
10 the first week of records consist of about a thousand of pages.  
11 There are more records than I think any one of us could get  
12 through in a reasonable amount of time.

13           Ms. Jones' mother, who is present --

14           **THE COURT:** Well, that may be enough to get her  
15 designated. It may be they don't read them, they just need to  
16 see them.

17           **MS. MCGUNN:** Understood, Your Honor. I'm -- and I'm  
18 sorry to keep saying this, it's terrifying the idea that they  
19 wouldn't read them given the complexity of Ms. Jones' house  
20 circumstances and the amount of time it has taken to get her to  
21 this stabilized place. Thirty days could be enough to derailed  
22 her health tremendously.

23           **THE COURT:** I don't want you to think I'm considering  
24 this for the first time. As the guts of the sentence and the  
25 rationale for the sentence is I tried to find a time that

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1       wouldn't do that. That wouldn't create that derailment, and  
2       yet, would still be sufficient but not greater than necessary  
3       and would satisfy the sentencing factors and would not put  
4       Ms. Jones in that peril.

5           And so what I'm going to do, Ms. McGunn, I'm going to  
6       recommend in the judgment that Ms. Jones be designated to a  
7       medical facility. I'm going to ask if you could provide  
8       probation with Ms. Jones' medical records. And as part of the  
9       statement of reasons, we're going to provide those medical  
10      records to the BOP.

11          And Mr. Bellamy, if I could see you at side bar for just  
12       one moment?

13                    - - -

14                    **(Side Bar Conference at 3:55 p.m.)**

15           **THE COURT:** Are there any 14-day sentences?

16           **PROBATION OFFICER:** Yes. I've seen weekends. I've  
17       seen 14 days.

18           **THE COURT:** I'm wondering if she's better 14 days in  
19       a non-medical facility or 30 days in a medical facility? And  
20       for 30 days I don't know if they'll put her in a medical  
21       facility either.

22           **PROBATION OFFICER:** I don't think they would, Your  
23       Honor. I'm happy to work very close with BOP. I'll keep in  
24       contact with her designation office and share The Court's very  
25       strong intention that she be designated to a medical facility.

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1                   **THE COURT:** I think she'd be better in a medical  
2 facility for 30 days than not in one for 14 days.

3                   **PROBATION OFFICER:** Absolutely.

4                   **(Side Bar Conference concluded at 3:56 p.m.)**

5                   -----

6                   **THE COURT:** Okay. Thank you. I wanted to confer  
7 with Mr. Bellamy about the logistics and to make sure we can  
8 provide all of this information to the BOP and we can. And I'm  
9 going to be hopeful that they will consider all of that  
10 information and that they will designate Ms. Jones to a medical  
11 facility where for the 30 days they'll be able to keep her  
12 stable until her release.

13                  And so then let me ask counsel, with the sentence that  
14 I've just imposed, are there any objections that have not  
15 previously been stated. Ms. Princ?

16                  **MS. PRINC:** None from the Government. Thank you,  
17 Your Honor.

18                  **THE COURT:** And Ms. McGunn?

19                  **MS. MCGUNN:** None, Your Honor.

20                  **Appeal Rights**

21                  **THE COURT:** And I will advise Ms. Jones, you do have  
22 a right to appeal the sentence that I've just imposed. Any  
23 appeal will have to be filed within 14-days of the date that I  
24 enter final judgment or 14-days of any notice of appeal that  
25 may be filed by the Government.

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1           If you're not able to prepay the cost of the appeal, you  
2 may seek leave to appeal without paying those costs and you may  
3 also seek the assistance of the clerk of court in preparing the  
4 notice of appeal.

5           And Ms. Princ, does the Government have any objection to  
6 allowing Ms. Jones to self surrender?

7           **MS. PRINC:** No. Thank you.

8           **THE COURT:** So, Ms. Jones, as you know, you've been  
9 on bond for several years with a number of conditions and those  
10 bond conditions are going to remain in place. And at some  
11 point in the future, and it may take awhile because we're going  
12 to provide your medical records to the BOP. So, I will  
13 include, if I need to in the judgment, that there be no  
14 designation before the BOP obtains your medical information.  
15 But at some point, you'll receive notification from the Bureau  
16 of Prisons as to where and when you are to report to serve your  
17 sentence.

18           In the interim, between today and the time that you get  
19 that notification, your bond conditions remain in place. So, I  
20 just need to remind you, if you were to violate any of those  
21 conditions, your bond could be revoked and you could be  
22 remanded immediately to serve your sentence. Do you understand  
23 that?

24           **THE DEFENDANT:** Yes.

25           **THE COURT:** And failing to appear at the designated

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1 facility is a separate offense for which you could also receive  
2 jail time. Do you understand that also?

3                   **THE DEFENDANT:** Yes.

4                   **THE COURT:** All right. Very good.

5 Then is there anything further that we need to do on this  
6 matter today. Ms. Princ, anything for the Government?

7                   **MS. PRINC:** No. Thank you, Your Honor.

8                   **THE COURT:** Anything for the Defense?

9                   **MS. MCGUNN:** Yes, Your Honor. It occurs to me that  
10 it might make the most sense for The Court to withhold entry of  
11 the final judgment until the presentence is formally updated,  
12 medical records are uploaded, and then the judgment could be  
13 entered, if that's possible.

14                   **THE COURT:** Yes, I will do that.

15                   **MS. MCGUNN:** So, then in probation, I'm not sure how  
16 that occurs, just in terms of the update? In terms of the  
17 pregnancy? If a second interview was conducted? I don't know.

18                   **PROBATION OFFICER:** Depending on how much information  
19 you provide, you could do another interview or if you wanted to  
20 send proposed language to myself and the Government and we  
21 could just insert that into the presentence report. That's a  
22 possibility as well.

23                   **MS. MCGUNN:** Okay. We will consult with probation.

24                   **THE COURT:** Well, we're going to put in the  
25 pregnancy, can we put in the presentence report, you know, just

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1 a sentence that there are significant additional medical  
2 records that will be provided to the BOP? Or I guess for the  
3 presentence report, just that there are significant, additional  
4 medical records that are consistent with what is set forth in  
5 the presentence report but they provide much more detail of  
6 Ms. Jones' conditions? Just to indicate there are . . .

7           **MS. MCGUNN:** Yes, Your Honor, we can do that. Yep.

8           **THE COURT:** Without having to put all of that into  
9 the presentence report.

10           **MS. MCGUNN:** I have to say, I'm actually concerned  
11 about not putting it into the presentence report.  
12 Historically, we have not had great luck with Bureau of Prisons  
13 actually reviewing medical records, that's why we want the body  
14 of the presentence report to be as exacting as a possible.

15           **THE COURT:** Okay. So, can you provide a summary, a  
16 new paragraph or two for inclusion and share it with Ms. Princ,  
17 obviously.

18           **MS. MCGUNN:** Yes.

19           **THE COURT:** And then we could -- since we're going to  
20 amend, add the pregnancy, we could amend to add more detailed  
21 medical information.

22 All right. Ms. Princ, do you have any issues with that?

23           **MS. PRINC:** No.

24           **THE COURT:** All right. Ms. McGunn, anything further  
25 for the Defense?

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1           **MS. MCGUNN:** No. Thank you, Your Honor.

2           **THE COURT:** And Mr. Bellamy, anything for probation?

3           **PROBATION OFFICER:** Your Honor, strictly a wording.

4           It's The Court's intention that the sentence was 30 days  
5           custody, per count, to be served concurrently?

6           **THE COURT:** Yes.

7           **PROBATION OFFICER:** And same for supervised release,  
8           two-years, each count, to be served concurrently?

9           **THE COURT:** Yes.

10          **PROBATION OFFICER:** Thank you, Your Honor.

11          **THE COURT:** And I mentioned the special assessment?

12          **PROBATION OFFICER:** Yes.

13          **MS. MCGUNN:** And, Your Honor, just so we can tie this  
14          lose end up as well in terms of the wording. Is The Court's  
15          sentence that the sentence shall be served at a federal medical  
16          center and if that request cannot be honored . . .

17          **THE COURT:** No, because we thought that that was not  
18          feasible. So, I'm just going to include in the judgment a  
19          recommendation to a federal medical center. And I don't even  
20          want to give an alternative because I want them to only see  
21          that recommendation.

22          **PROBATION OFFICER:** Your Honor, if I may?

23          **THE COURT:** Yes.

24          **PROBATION OFFICER:** I do know while The Court doesn't  
25          have the authority to provide a specific facility, The Court

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1 does have the authority to include that the sentence be served  
2 in a federal facility to ensure that the Bureau of Prisons does  
3 go through the designation process and doesn't attempt to have  
4 Ms. Jones serve her sentence in a local facility. So, if we  
5 include that in the judgment, I do think it would be better.

6           **THE COURT:** Okay. So, the better way is to say: I'm  
7 recommending this sentence be served in a federal facility and,  
8 more specifically, a federal medical center.

9           **PROBATION OFFICER:** Yes. Ordering the sentence be  
10 served in a federal facility, recommending that it be served in  
11 a federal medical center.

12           **THE COURT:** Yes. Very good. Okay. Thank you. All  
13 right. Thank you, everyone.

14           Ms. Jones, good luck to you. Take care of yourself. And  
15 I hope for this 30 days they take good care of you as well.

16           All right. Everybody. Thank you.

17           **(Whereupon proceedings concluded at 4:03 p.m.)**

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**C E R T I F I C A T I O N**

I, Nefertiti A. Matthews, official court reporter for the United States District Court, Eastern District of Michigan, Southern Division, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings in the above-entitled cause on the date hereinbefore set forth.

I do further certify that the foregoing transcript has been prepared by me or under my direction.

Date: May 15, 2024

16

s:/Nefertiti A. Matthews  
Nefertiti A. Matthews,  
Official Court Reporter

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